

**Zoning Bylaw Working Group (ZBWG)**  
**December 12, 2018**  
**8:30 a.m. – 10:00 a.m.**  
**Arlington Town Hall, First Floor Conference Room**  
**MEETING SUMMARY**

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Attendees: Pamela Heidell, Charles Kalaskas, Christian Klein, Jenny Raitt, Stephen Revilak, David Watson, Ralph Willmer, John Worden, Erin Zwirko

Guests: Roger Eastman, Ali Carter, Kelly Lynema

Erin introduced Roger Eastman of Lisa Wise Consulting, the project manager who has been working on Arlington's sign regulations update. Roger had prepared a presentation to provide an overview of the Sign Analysis and Recommendations Report recently issued to the Zoning Bylaw Working Group. The presentation was focused on why the update is necessary with an overview of the *Reed v Town of Gilbert* Supreme Court case which defined content-based regulations and content-neutral regulations. There was some discussion about the difference of strict scrutiny and intermediate scrutiny as described in the court case. Roger also provided an overview of the stakeholder engagement to date which included one-on-one interviews and a community forum. The key issues that are discussed in the Sign Analysis and Recommendations Report include the following items: content-based regulations, the lack of graphics and illustrations, organizational and consistency issues, confusing administrative process, lack of information on new technology, and a loose temporary signage program.

The following comments were made by the Working Group members:

1. It is important for institutional signs to meet the requirements of the sign regulations.
2. If there is a municipal exemption, does that become a content-based regulation? Erin indicated that she would ask Town Counsel for his opinion.
3. The current sign bylaw is silent on the regulation of flags. Should the bylaw remain silent after the update? Erin indicated that she would follow up with Town Counsel on this point as well.
4. Following up on that point, should the bylaw define flag in some fashion so that it is set apart from wind moved signs.
5. The definitions should stay in Section 2 of the Zoning Bylaw.
6. The current bylaw includes specific provisions for Bed & Breakfasts. Roger indicated that these standards are content-based and would be addressed through standards for residential districts. However, a member of the Working Group asked whether there is a way to regulate signage for homeshares (for example, AirB&B) specifically. Roger was unsure, but felt that most homeshares do not advertise with signage, whereas a traditional Bed & Breakfast would.
7. A member of the Working Group asked if there were any examples of regulation of images projected on the sidewalk or on structures. Roger was not aware of any examples, but would look into it.

Roger had a few specific questions for the Working Group:

1. The existing bylaw is neutral on technology, but there had been some comments in the stakeholder interviews about electronic message center (EMC) signs. There are not any examples in Arlington of EMCs. After some discussion, the Working Group was not interested in allowing these types of signs in Arlington.
2. However, the Working Group discussed whether there is any way to regulate the interior of a business if there is a moving picture placed inside a business, but not affixed to the glass. Erin indicated she would check with Town Counsel, but the general feeling is that it would not be possible.
3. Human signs were discussed. An example of a human sign is a person dressed up as the Statue of Liberty advertising Liberty Tax Service. Human signs are typically in the right-of-way. The Working Group determined that it would be best to be silent on these signs, but questioned whether it interferes with the provision to picket or protest.
4. As an aside to the conversation on human signs, the Working Group discussed mobile billboards. The Working Group recognized that they should not regulate these types of signs passing through town, but sometimes these vehicles are parked. The Working Group discussed that a vehicle can park in a legitimate space during business hours.
5. Roger was curious if the Working Group had any concerns about cabinet signs. Cabinet signs are typically internally illuminated metal-framed signs, but sometimes there is no illumination. Typically, the ARB likes to see cabinet signs removed and replaced with more contemporary signage. There are many in Arlington, and the Working Group was unsure whether there should be an express prohibition.
6. There was some discussion in consistency in sign design on a single building. The ARB makes an effort to maintain consistency in buildings in size, scale, and materials. Roger indicated that updated regulations would include standards, which could simply include a consistency standard.

Other items discussed included:

1. The review process should be simplified. Erin indicated that she needed to follow up with Inspectional Services. Days should be defined as calendar days.
2. There would be a simplified process to permit temporary signs.
3. There was discussion about the ZBA process versus the ARB process. It may not make sense to separate the process, and could be given to one board or the other, potentially the ARB instead of ZBA.
4. The Working Group was interested in the sign incentives discussed in the Analysis and Recommendations Report; however, there was some concern and should be prescriptive.

Erin indicated that the ARB would be discussing the Sign Analysis and Recommendations Report during their next meeting on December 17. Additionally, the ARB would be discussing the recommendations of the Metropolitan Area Planning Council (MAPC) regarding multifamily housing.

The Working Group discussed the meeting summary. Steve made a motion to accept the meeting summary, Charlie seconded the motion. All present voted in favor.

The Working Group decided to not reschedule the upcoming January meeting. It will be held on January 2, 2019.

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